

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTEROCEAN COAL SALES, LDC,

Plaintiff,

-against-

EVONIK TRADING GmbH, an alien corporation,
EVONIK DEGUSSA CORPORATION, an Alabama
corporation, EVONIK INDUSTRIES, AG, an alien
corporation, and EVONIK STEAG GmbH, an alien
corporation,

Defendants.
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DATE FILED: 7/27/11

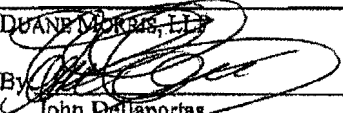

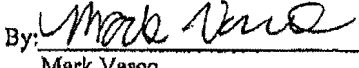

11 Civ. 0940 (NRB)

STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties to the above-captioned matter hereby stipulate and agree as follows:

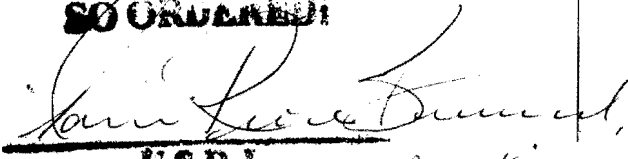
1. Defendants Evonik Degussa Corporation and Evonik Industries AG, and all claims against them, are hereby voluntarily dismissed with prejudice from this action;
2. The Counterclaim and Fourth Affirmative Defense of Defendant Evonik Trading GmbH ("Evonik Trading") are hereby voluntarily dismissed with prejudice;
3. Evonik Trading's Second Affirmative Defense is likewise dismissed only to the extent it is based upon Plaintiff Interocean Coal Sales, LDC's failure to pay demurrage owed to Evonik Trading for two coal cargoes delivered in 2010; and
4. Each party shall bear its own costs and attorneys' fees with respect to the claims and defenses dismissed hereunder and shall not seek to recover such costs or attorneys' fees from any opposing party.

July 26
Dated: July 26, 2011
New York, New York

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| <p>DUANE MORRIS, LLP</p> <p>By:  John Dellaportas 1540 Broadway Evangelos Michailidis New York, New York 10036 (EM 3383) Phone: (212) 692-1012 Email: Dellajo@duanemorris.com</p> <p>--and--</p> <p>BAILEY & GLASSER, LLP</p> <p>By:  Scott C. Helmholz Jeffrey R. Baron Old North Old State Capitol Plaza, Suite 560 Springfield, Illinois 62701 Phone: (217) 528-1177 E-mail: shelmholz@baileyglasser.com E-mail: jbaron@baileyglasser.com</p> <p>Attorneys for Plaintiff Interocean Coal Sales, LDC</p> | <p>ALSTON & BIRD LLP</p> <p>By:  Mark Vasco 101 S. Tryon St., Suite 400 Charlotte, North Carolina 28280 Phone: (704) 444-1000 Email: mark.vasco@alston.com</p> <p>--and--</p> <p>Alexander S. Lorenzo 90 Park Avenue New York, New York 10016 Phone: (212) 210-9400 Email: alexander.lorenzo@alston.com</p> <p>Attorneys for Defendants Evonik Trading GmbH and Evonik Steag GmbH</p> |
| | <p>CONNELL FOLEY LLP</p> <p>By:  Patrick J. Hughes 85 Livingston Avenue Roseland, New Jersey 07068 Phone: (973) 535-0500 Email: phughes@connellfoley.com</p> <p>--and--</p> <p>Hector D. Ruiz 888 Seventh Avenue New York, New York 10106 Phone: (212) 262-2390 Email: hruiz@connellfoley.com</p> <p>Attorneys for Defendants Evonik Industries AG and Evonik Degussa Corporation</p> |

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SO ORDERED:


U.S.D.J.
July 27, 2011